

BILL NO. Z-92-07-05

ZONING MAP ORDINANCE NO. Z- 07-92

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. H-26.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an M-2 (General Industrial) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

The East 330 feet of the West 990 feet of the North Half  
of the Southeast Quarter of the Northwest Quarter of  
Section 28, Township 31 North, Range 12 East, Allen  
County, Indiana, except the North 25 feet thereof for the  
right of way Burma Road,

and the symbols of the City of Fort Wayne Zoning Map No. H-26,  
as established by Section 11 of Chapter 33 of the Code of the  
City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

*Mark E. Giardina*  
Council member

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay  
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Edmonds,  
and duly adopted, read the second time by title and referred to the  
Committee on Regulation (and the City Plan Commission  
for recommendation) and Public Hearing to be held after due legal notice, at  
the Common Council, Council Conference Room 128, City-County Building, Fort  
Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_  
M., E.S.T. o'clock

DATED: 7-14-92

SANDRA E. KENNEDY CITY CLERK

Read the third time in full and on motion by Edmonds,  
and duly adopted, placed on its passage. PASSED LOST  
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GIAQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 8-11-92

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 2-07-92  
on the 11th day of August, 1992

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 12th day of August, 1992,  
at the hour of 10:30 o'clock M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 12th day of August,  
1992, at the hour of 4:30 o'clock M., E.S.T.

PAUL HELMKE, MAYOR

CK# 1419

## RECEIPT

No 10916

COMMUNITY &amp; ECONOMIC DEVELOPMENT

FT. WAYNE, IND., June 17 1992

RECEIVED FROM DAN Strayer  
THE SUM OF Two Hundred and no/100's \$200<sup>00</sup>  
ON ACCOUNT OF Regency 3221 Burma Road.

PAID BY: CASH  CHECK  M.O. 

100 DOLLARS

W. E. O'Brien

AUTHORIZED SIGNATURE

## PETITION FOR ZONING ORDINANCE AMENDMENT

Map #  
H-26

RECEIPT NO. #10914

THIS IS TO BE FILED IN DUPLICATE

DATE FILED \_\_\_\_\_

INTENDED USE \_\_\_\_\_

I/We GARY & DAWN LUEBKE

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a(n) R-1 District to a(n) M-2 District the property described as follows:

The East 330 feet of the West 990 feet of the North half of the Southeast Quarter of the Northwest Quarter of Section 28, Township 31 North Range 12 East, Allen County, Indiana, except the about 25 feet thereof for the right of way of Burma Road.

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: AT OR NEAR 3221 BURMA RD.FT. WAYNE, IN 46808

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

GARY LUEBKE1231 SCOTS, NEW HAVEN, IN 46774Gary D. Luebke  
Dawn R. LuebkeDAWN LUEBKE" " "

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the preparer, attorney or agent.

DANIELE A. GRAYSON

(Name)

3010 Packard Ln. Ft. Wayne, IN

(Address &amp; Zip Code)

432-8704

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/ 427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

The East 330 feet of the West 990 feet of the North Half of the Southeast Quarter of the Northeast Quarter of Section 28, Township 31 North Range 12 East, Allen County, Indiana, except the north 25 feet thereof for the right of way Burnside Road.

Owners of Property

GARY LUEBKE

DAWN LUEBKE

1231 Scots, New Haven, In 46774

" " " "

(Name)

(Address)

(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST  
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING  
FROM BEING HELD.

OWENS RUSSELL ASSOCIATES

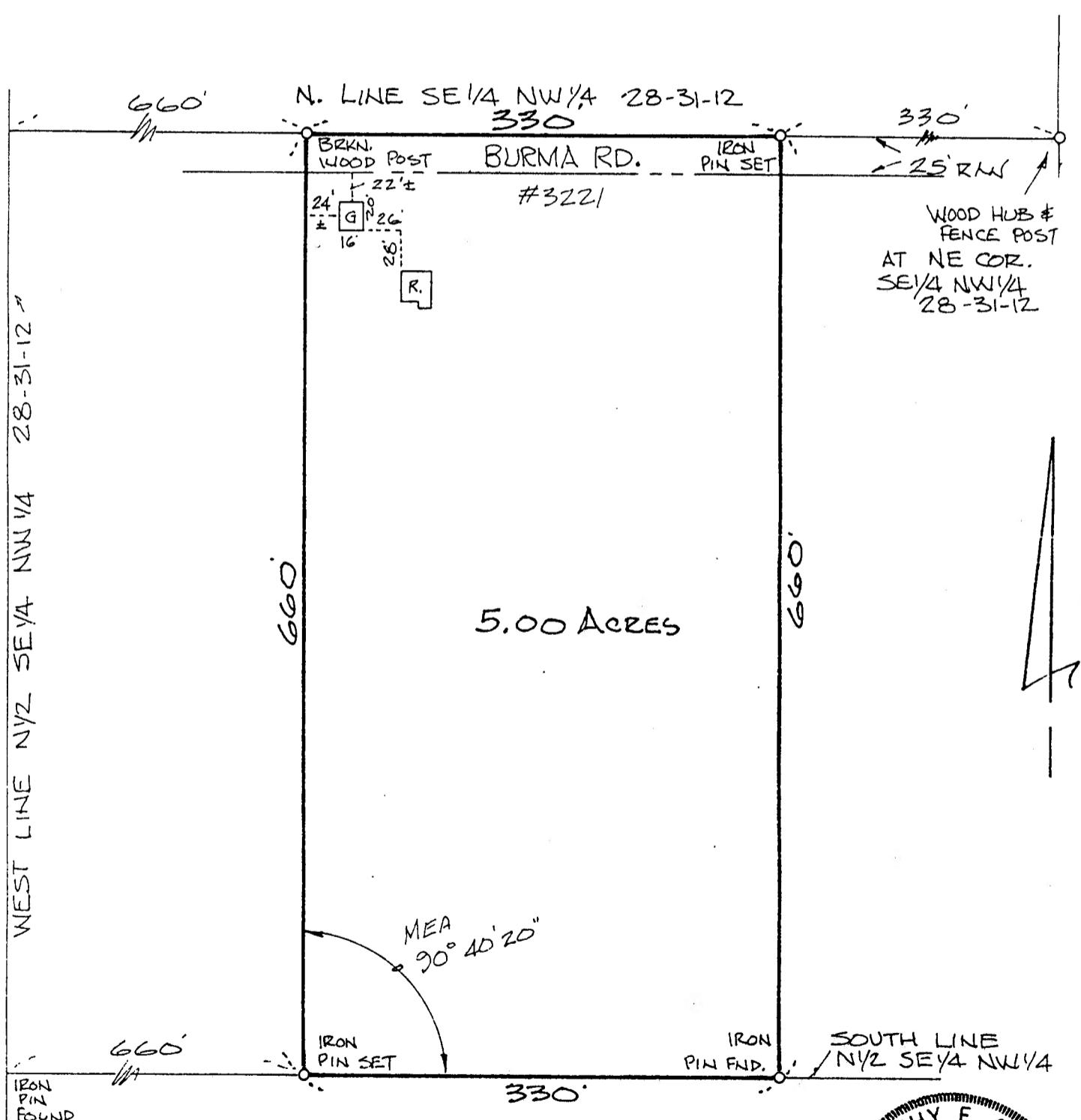
1402 EAST STATE BLVD.  
FORT WAYNE, IN. 46805  
PHONE: 484-7500

CERTIFICATE OF SURVEY

The undersigned Land Surveyor, registered under the Laws of the State of Indiana, hereby certifies that he has made a survey of the real estate described and shown below, that measurements were made and monuments were set in conformity with records on file in the office of the Recorder of ALLEN County, Indiana and that any encroachments or discrepancies found on said real estate are shown below.

Legal description of real estate:

The East 330 feet of the West 990 feet of the North Half of the Southeast Quarter of the Northwest Quarter of Section 28, Township 31 North, Range 12 East, Allen County, Indiana, except the North 25 feet thereof for the right of way of Burma Road.



THE ABOVE DESCRIBED PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA AS SHOWN IN THE HUD-FIA FLOOD HAZARD BOUNDARY MAPS

FOR THE EXCLUSIVE USE OF:

Hartzog/Luebke

DATE November 09, 1984

JOB NO. 1084 - 71



*Timothy F. Owens*

OWENS RUSSELL ASSOCIATES

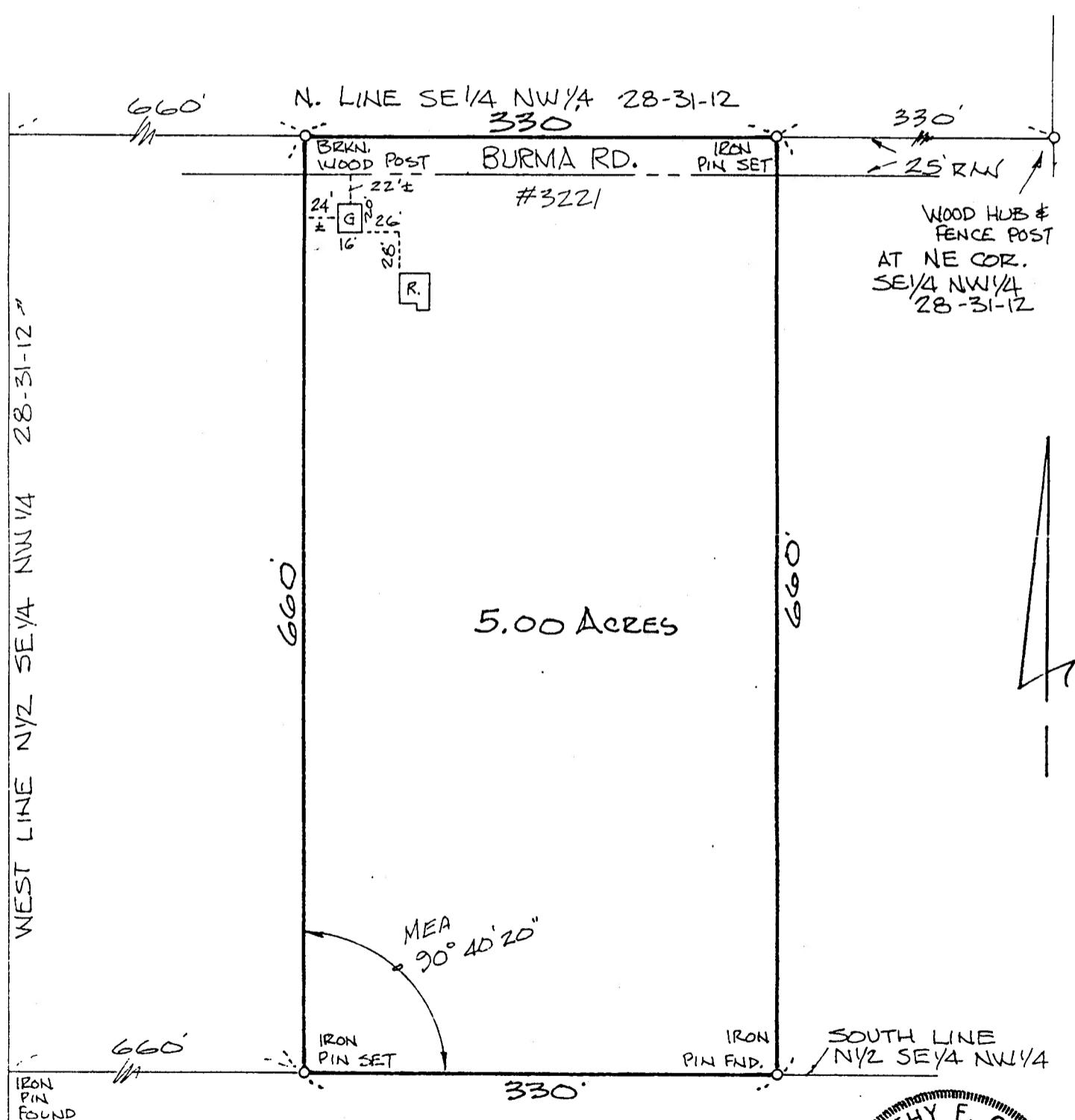
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Timothy F. Owens

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 14, 1992 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-92-07-05; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 20, 1992.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

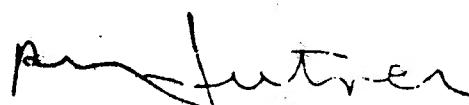
(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 27, 1992.

Certified and signed this  
28th day of July 1992.



Robert Hutner  
Secretary

**FACT SHEET**

4-92-U-05

**BILL NUMBER****Division of Community  
Development & Planning**

<u>BRIEF TITLE</u>	<u>APPROVAL DEADLINE</u>	<u>REASON</u>
Zoning Map Amendment		
From R-1 to M-2		

<b>DETAILS</b>	<b>POSITIONS</b>	<b>RECOMMENDATIONS</b>
<b>Specific Location and/or Address</b>  3221 Burma Road	<b>Sponsor</b>  <b>Area Affected</b>	City Plan Commission  City Wide  Other Areas
<b>Reason for Project</b>  Sale of property for future development.	<b>Applicants/ Proponents</b>  <b>Opponents</b>	<b>Applicant(s)</b> Gary & Dawn Lubke <b>City Department</b>  Other
<b>Discussion (Including relationship to other Council actions)</b>  <u>20 July 1992 - Public Hearing</u>  Gary Lubke, petitioner and owner of the property in question appeared before the Commission. Mr. Lubke stated that he was requesting the rezoning for a potential purchaser.  Charles Layton questioned how people would access the property. Would it be down Burma Road.  Mr. Lubke stated that it would eventually. He stated that currently it is landlocked.  Mr. Lubke stated that the property is sandwiched in between two industrial zones and there is an industrial park behind the property.  Mark Gensic questioned what was on the north side of Burma Road.  Mr. Lubke stated that it used to be Associated Truck Line and then Ditch Witch.	<b>Staff Recommendation</b>  <b>Board or Commission Recommendation</b>	<b>Groups or Individuals</b>  <b>Basis of Opposition</b>  <input checked="" type="checkbox"/> For <input type="checkbox"/> Against  <b>Reason Against</b>  <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
	<b>CITY COUNCIL ACTIONS</b> (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

**DETAILS**

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

**27 July 1992 - Business Meeting**

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the six (6) members present, five (5) voted in favor of the motion, one (1) did not vote.

Motion carried.

**POLICY/PROGRAM IMPACT**

<b>Policy or Program Change</b>	<input type="checkbox"/> No <input type="checkbox"/> Yes
<b>Operational Impact Assessment</b>	

(This space for further discussion)

**Project Start**

**Date** 17 June 1992

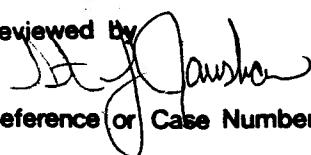
**Projected Completion or Occupancy**

**Date** 28 July 1992

**Fact Sheet Prepared by**

Patricia Biancaniello

**Reviewed by**



**Date** 28 July 1992

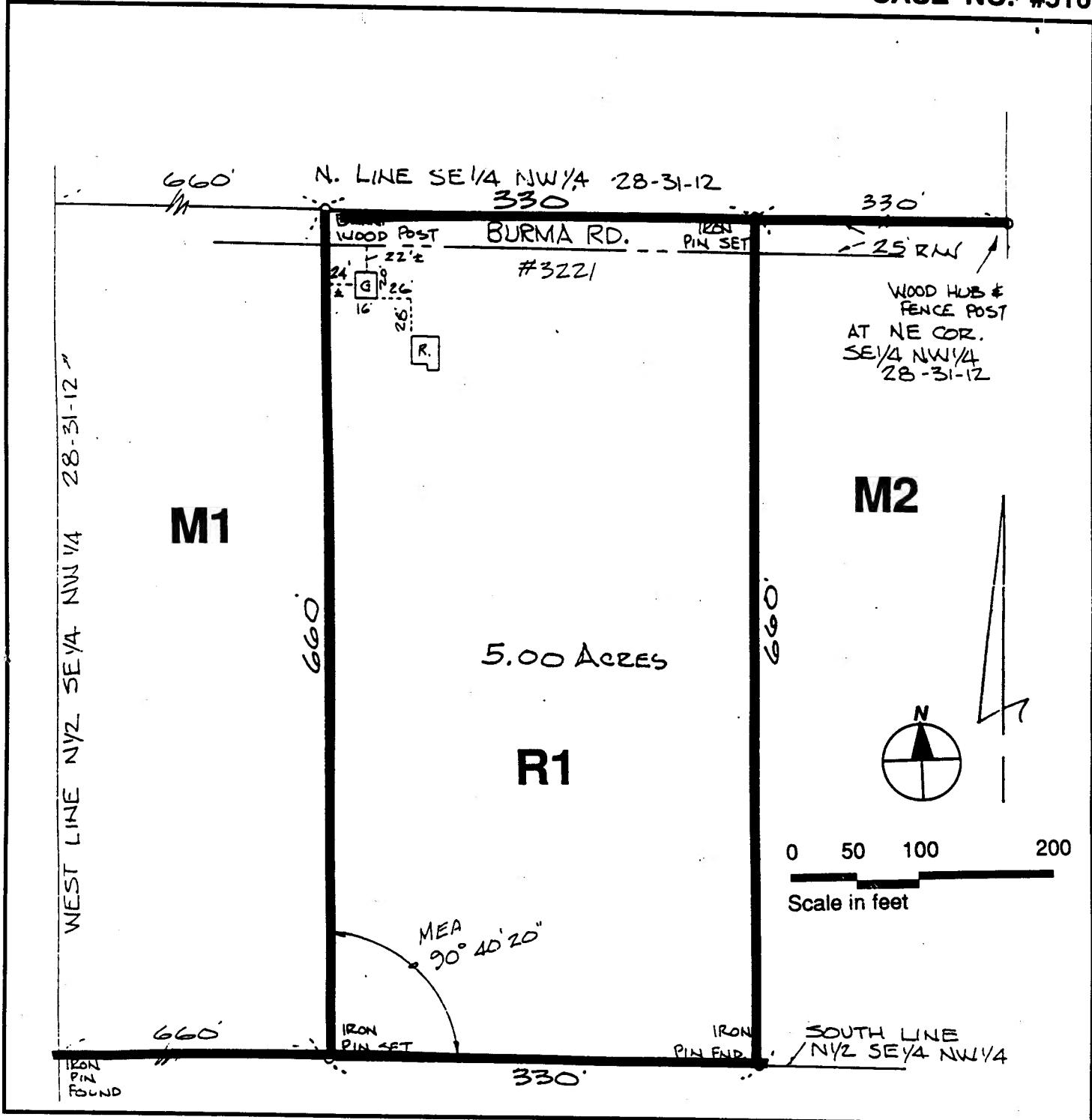
28 July 1992

**Reference or Case Number**

# REZONING PETITION

**AREA MAP**

**CASE NO. #516**



**COUNCILMANIC DISTRICT NO. 3**

Map No. H-26

LW 6-22-92

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

#514  
ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 3221 Burma Rd

2-92-07-05

EFFECT OF PASSAGE Property is currently zoned R-1 - Single Family Residential. Property will become M-2 - General Industrial District.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE) \_\_\_\_\_

